

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILAN LIPSTEIN, on behalf of himself and others similarly situated,

Plaintiff,

v.

20X HOSPITALITY LLC d/b/a SPICY MOON, JUNE KWAN, in both her individual and professional capacities, JOANNA AVERY, in both her individual and professional capacities, and YIDI MAO a/k/a KENNY MAO, in both his individual and professional capacities,

Defendants.

Civil Action No.: 22-cv-4812-VSB-JW

PLAINTIFF'S NOTICE OF MOTION
FOR CONDITIONAL CERTIFICATION OF A COLLECTIVE ACTION
AND EQUITABLE TOLLING OF THE STATUTE OF LIMITATIONS

Pursuant to 29 U.S.C. § 216(b), Plaintiff Milan Lipstein (“Plaintiff”), by and through his undersigned counsel, Faruqi & Faruqi, LLP, hereby moves the Court for an Order conditionally certifying the action as a collective action, equitably tolling the statute of limitations, directing that persons similarly situated to Plaintiff be given notices of the pendency, and directing production of the names, addresses, email addresses, and phone numbers of potential plaintiffs on an expedited basis.

In support of the instant motion, Plaintiff submits the attached Memorandum of Law, Declaration of Plaintiff Milan Lipstein, Declaration of Alex J. Hartzband (“Hartzband Decl.”), proposed Notice of Pendency and Consent to Join form to be distributed via regular mail (annexed to the Hartzband Decl. as Ex. F), proposed Notice of Pendency to be distributed via email (annexed to the Hartzband Decl. as Ex. G), proposed Notice of Pendency to be distributed via text message

(annexed to the Hartzband Decl. as Ex. H), proposed Notice of Pendency to be posted in Defendants' workplace located at 328 E 6th Street, New York, New York 10003 (annexed to the Hartzband Decl. as Ex. I), and all accompanying exhibits, pleadings, papers, and records on file herein. Plaintiff may further rely on all matters of which judicial notice may be taken, any oral argument that may be presented, and other such matters the Court deems just and necessary.

Accordingly, Plaintiff respectfully requests that the Court grant his Motion for Conditional Certification of a Collective Action and Equitable Tolling of the Statute of Limitations in its entirety.

Dated: August 25, 2022
New York, New York

FARUQI & FARUQI, LLP

By: /s/ Alex J. Hartzband
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Proposed FLSA Collective*